

ATTACHMENT A

4:18mj92-MCR1

AFFIDAVIT

I, Kahzim Yazici, being duly sworn, depose and state that:

I am an investigator or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered to conduct investigations of and to make arrests for the offenses enumerated in Titles 18, 19, 21, and 31 of the United States Code and other related offenses. I have been a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Justice Department for the past seven years. I am currently assigned to the ATF Florence (South Carolina) satellite office attached to the ATF Columbia field office. My duties involve the investigation of federal firearms offenses and associated violent crime and narcotics offenses.

Prior to serving as an ATF TFO, I was employed by Myrtle Beach Police Department as a Corporal assigned to the Gang Unit for over three years. Prior to that assignment, I was an investigator in the Street Crimes Unit for two years and have served as a police officer with the Myrtle Beach Police Department in South Carolina for seven years.

In these positions, I investigated various criminal offenses, including those related to firearms. I have completed Basic Law Enforcement Training and have

been certified as a Law Enforcement Officer in South Carolina. I have received additional specialized training for advanced interviewing techniques, gang investigation, street crimes undercover training, and tactical training.

The statements contained in this Affidavit are based on information I have learned through my own investigation, experience, and background as an ATF TFO and through that of other ATF agents and members of law enforcement. Because this Affidavit is being submitted for the limited purpose of securing a Criminal Complaint and Arrest Warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that Derrick Bernard CUNNINGHAM has violated Title 18, United States Code, Section 922(g) (possession of a firearm after a previous conviction of a crime punishable by a term of imprisonment exceeding one year).

On May 24, 2018, TFO Yazici was contacted by South Carolina SLED Agent Truex in regards to a wanted suspect possibly being in the Myrtle Beach, SC area. Derrick Bernard CUNNINGHAM is wanted by the Greenville County Sheriff's Office for four (4) counts of armed robbery and attempted murder. SLED officers located CUNNINGHAM at the Seaside Resort located at 2301 S. Ocean Blvd. in North Myrtle Beach, SC. An officer approached CUNNINGHAM and ordered CUNNINGHAM at gunpoint to the ground. CUNNINGHAM was placed

on the ground and placed in handcuffs. An officer observed a heavy object in CUNNINGHAM's interior vest pocket and asked if the object was a firearm. CUNNINGHAM responded, "I don't know, this isn't my vest, I borrowed it from a friend." A search of CUNNINGHAM, incident to arrest, revealed a Jiminez .380 handgun bearing serial number 364342, which was located on CUNNINGHAM's person, in a holster in his interior leather vest pocket. The firearm was loaded with six (6) rounds of ammunition. CUNNINGHAM was then taken into custody without incident.

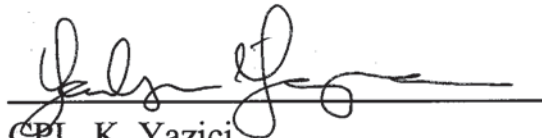
CUNNINGHAM's criminal history reveals he has previously been convicted of a crime for which he could have received a term of imprisonment exceeding one year. CUNNINGHAM's previous convictions include: four (4) convictions for Grand Larceny, three (3) Burglary convictions, two (2) convictions for Armed Robbery, two (2) convictions for Assault and Battery of a High and Aggravated Nature, a conviction for Escape from Prison, and a conviction for Destroying Jail Property. CUNNINGHAM is also currently wanted for four (4) Armed Robberies and Attempted Murder.

A preliminary nexus examination revealed that the seized Jiminez firearm was manufactured outside of the State of South Carolina and therefore, prior to CUNNINGHAM's possession of the firearm on MAY 26, 2018, had travelled in and affected interstate or foreign commerce.

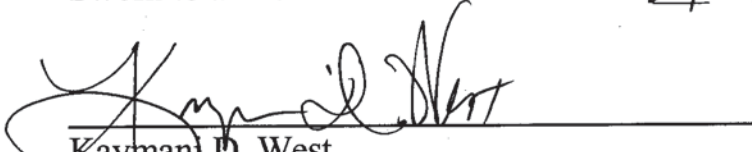
TFO Yazici contacted the South Carolina Department of Probation, Parole and Pardon Services, and they stated that CUNNINGHAM has not received a pardon after having been convicted of a felony.

Wherefore, based upon all of the information set forth in this Affidavit, I respectfully submit that there is probable cause to believe that Derrick Bernard CUNNINGHAM, did on or about MAY 26th, 2018, violate Title 18, United States Code, Section 922(g) (possession of a firearm after a previous conviction of a crime punishable by a term of imprisonment exceeding one year); all within the District of South Carolina. In consideration of the foregoing, I respectfully request that this Court issue a Criminal Complaint and Arrest Warrant for Derrick Bernard CUNNINGHAM.

This affidavit has been reviewed by Assistant United States Attorney Lauren H. Hummel.


CPL. K. Yazici
Task Force Officer, ATF

Sworn to and subscribed before me this 29 day of MAY, 2018.


Kayman D. West
United States Magistrate Judge
District of South Carolina